

United States Bankruptcy Court
Eastern District of New York

In re:
Whitehead Estates LLC
Debtor

Case No. 24-40044-ess
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0207-1
Date Rcvd: Feb 27, 2024

User: admin
Form ID: pdf000

Page 1 of 2
Total Noticed: 3

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 29, 2024:

Recip ID	Recipient Name and Address
db	+ Whitehead Estates LLC, 1 Sipporta Lane, Paramus, NJ 07652-5356
	+ McCARTER & ENGLISH, LLP, Timothy W. Salter, Esq., Worldwide Plaza, 825 Eighth Avenue, 31st Floor, New York, NY 10019-7843
	+ McCARTER & ENGLISH, LLP, Adam M. Swanson, Esq., One Canterbury Green, 201 Broad Street, 9th Floor, Stamford, CT 06901-2004

TOTAL: 3

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 29, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 27, 2024 at the address(es) listed below:

Name	Email Address
Adam M Swanson	on behalf of Creditor Breco Equities LLC aswanson@mccarter.com
Adam M Swanson	on behalf of Creditor FM Home Loans LLC aswanson@mccarter.com
Office of the United States Trustee	USTPRegion02.BR.ECF@usdoj.gov
Ronald J Friedman	ronald.friedman@rimonlaw.com docketing@rimonlaw.com
Timothy William Salter	on behalf of Creditor Breco Equities LLC tsalter@mccarter.com, kreda@blankrome.com;tpryan@blankrome.com;jhanner@blankrome.com

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Timothy William Salter

on behalf of Creditor FM Home Loans LLC tsalter@mccarter.com,
kreda@blankrome.com;tpryan@blankrome.com;jhanner@blankrome.com

TOTAL: 6

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re

Chapter 11 (Subchapter V)

WHITEHEAD ESTATES LLC,

Case No. 24- 40044-ess

Debtor.
-----X

**ORDER TO SHOW CAUSE WHY THIS CASE SHOULD NOT BE DISMISSED FOR
DEBTOR’S FAILURE TO BE REPRESENTED BY COUNSEL**

WHEREAS, on January 4, 2024, Whitehead Estates LLC (the “Debtor”) filed a voluntary petition for relief under Subchapter V of Chapter 11 of the Bankruptcy Code; and

WHEREAS, on January 5, 2024, the Clerk of the Court filed a notice of hearing on deficient Chapter 11 case for Debtor’s failure to be represented by counsel (the “Notice”); and

WHEREAS, in the Notice, the Clerk of the Court directed the Debtor’s counsel to file a notice of appearance with the Court within fourteen days of the date of the Notice; and

WHEREAS, as of the date of this Order, the Debtor’s counsel has not filed a notice of appearance with the Court; and

WHEREAS, the Debtor is an entity and is not an individual; and

WHEREAS, courts in this Circuit have concluded that an entity “must appear through licensed counsel” in federal court, *Lattanzio v. COMITA*, 481 F.3d 137, 140 (2d Cir. 2007); and

WHEREAS, on February 23, 2024, the Court held a hearing on the Debtor’s failure to be represented by counsel, at which the Debtor’s principal appeared and was heard; and,

WHEREAS, the Debtor’s failure to be represented by counsel may constitute cause for dismissal or conversion of this Chapter 11 case.

NOW THEREFORE, it is hereby

ORDERED, that the Court will hold a continued video hearing on the Debtor’s failure to

be represented by counsel on March 28, 2024 at 10:30 a.m. before the Honorable Elizabeth S. Stong in Courtroom 3585, United States Bankruptcy Court, 271-C Cadman Plaza East, Brooklyn, NY 11201; and it is further

ORDERED, that the Debtor is directed to appear at the March 28, 2024 hearing and show cause why this case should not be dismissed or converted to a case under Chapter 7 of the Bankruptcy Code for failure to be represented by counsel; and it is further

ORDERED, that if the Debtor's counsel files a notice of appearance by March 27, 2024, then the March 28, 2024 hearing may be marked off the Court's calendar; and it is further

ORDERED, that if the Debtor does not file a notice of appearance of counsel or appear at the March 28, 2024 hearing, then the Court may assume that the Debtor does not oppose the dismissal or conversion of this case; and it is further

ORDERED, that for more information about the requirement that corporate debtors be represented by counsel, the Debtor may contact Elise Kanter, Esq., Pro Se Law Clerk, via telephone, Monday through Friday between 9:00 a.m. and 3:00 p.m., at (347) 394-1738 or Elise_Kanter@nyeb.uscourts.gov; and

ORDERED, that this hearing will be conducted remotely, via video. It is not necessary to request prior authorization to appear remotely. All participants, including attorneys, clients, and pro se parties, may register to appear remotely as follows:

Please register with eCourt Appearances at <https://ecf.nyeb.uscourts.gov/cgi-bin/nyebAppearances.pl> at least two business days before the scheduled hearing. To register, please provide your name, address, e-mail address, telephone number to be used on the hearing date, and if appropriate, the party that you represent. You will receive instructions how to access the hearing via

email two business days before the hearing.

On your hearing date, please connect at least ten minutes before your scheduled hearing time, and keep your audio and video on mute until your case is called.

Dated: Brooklyn, New York
February 27, 2024



A handwritten signature in black ink, appearing to read "Elizabeth S. Stong".

Elizabeth S. Stong
United States Bankruptcy Judge

TO:

Whitehead Estates LLC

1 Sipporta Lane
Paramus, NJ 07652

Office of the United States Trustee

Eastern District of NY (Brooklyn)
Alexander Hamilton Custom House
One Bowling Green
Room 510
New York, NY 10004

McCARTER & ENGLISH, LLP

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Worldwide Plaza
825 Eighth Avenue, 31st Floor
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